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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 12th February 2014

No. 1211—IR-(ID)-93/2012-LESL.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 15th November 2013 in Industrial Dispute Case No. 28 of 2013 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of Rourkela Club and their workman Shri P.K. Bhuyan represented through Rourkela Club Mazdoor Sangha was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, SAMBALPUR

INDUSTRIAL DISPUTE CASE NO. 28 OF 2013

Dated the 15th November 2013

Present :

Shri Srikanta Mishra, LL.M.,
Presiding Officer,
Labour Court, Sambalpur.

Between :

The Management of Rourkela Club, Sector 20, Rourkela-5, Dist. Sundargarh.	.. First Party—Management
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And

Their workman, Shri P. K. Bhuyan represented through General Secretary, Rourkela Club Mazdoor Sangha, Sector 20, Rourkela-5, Dist. Sundargarh.	.. Second Party—Workmen
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Appearances :

None	.. For the First Party —Mnagement
None	.. For the Second -Party—Workman

AWARD

This case arises out of a reference made by the Government of Odisha, Labour & ESI Department, under the power conferred by sub-section (5) of Section 12 read with Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short the "Act") vide Order under Memo No. 3685 (5), dated the 15th April 2013. The dispute involved under the schedule of reference is as follows :

"Whether the termination of services of Shri P. K. Bhuyan, Waiter by the management of Rourkela Club, Rourkela, with effect from the 12th June 2010 is legal and/or justified ? If not, what relief Shri Bhuyan is entitled to ?"

2. The brief facts of the case is that one Prafulla Kumar Bhuyan while working as Waiter under the first party was terminated from service with effect from the 12th June 2010. The Rourkela Mazdoor Sangha raised the dispute before the District Labour Officer, Rourkela-cum-Conciliation Officer under the I.D. Act. The said authority took the view of both the parties and since no conciliation could be effected, he submitted a report to the Government on the basis of which the reference was made.

3. The Government of Odisha while publishing the order of reference, directed the second party to file statement of claim before this Court within 15 days of receipt of the reference but the second party did not turn-up. This Court issued a notice to the second party by Regd. Post on 12th June 2013 calling upon him to file statement of claim and relevant documents. In the meantime several dates have been posted awaiting the statement of claim from the second party but till date, the same has not been filed. It appears that the second party is no more interested in adjudication of the dispute.

4. Since the workman has not entered appearance in response to registered notice and the second party has not filed any statement of claim, I am inclined to pass a No Dispute Award in so far as the reference is concerned.

Dictated and corrected by me.

SRIKANTA MISHRA
15-11-2013
Presiding Officer
Labour Court, Sambalpur

SRIKANTA MISHRA
15-11-2013
Presiding Officer
Labour Court, Sambalpur

By order of the Governor

N. BEHERA

Under-Secretary to Government